THE HON'BLE Dr. JUSTICE G. YETHIRAJULU

Writ Petition No.16780 of 1992

21st day of September, 2005

Between:

Y. Rama Murthy, s/o.Jagga Rao,

aged 45 years, Occ: Senior Assistant,

R/o.Visakhapatnam.

…. **Petitioner**

and

The General Manager, Visakha Co-op.

Dairy, Visakhapatnam and 2 others

…. **Respondents**

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ORDER:

This writ petition is filed, seeking to declare the order of the first respondent dated 08-08-1992 and confirmed by the second respondent on 26-11-1992 as illegal, arbitrary and violative of the principles of natural justice.

The petitioner worked as a Senior Assistant in the respondent-organization. He appeared to have caused the delay in processing the file for pay fixation of certain employees who got promotion in the said organization. A memo was issued to him on 05-12-1989 asking to explain as to why the punishment of stoppage of one increment with cumulative effect shall not be inflicted on him. The petitioner failed to give any reply to the said Memo. The learned counsel for the petitioner submitted that the work of pay fixation was completed within short period after receipt of the said notice, but the petitioner, by thinking that since he completed the work he need not give any reply, did not submit explanation to the said notice. The first respondent passed the final order dated 08-08-1992 confirming the proposed punishment of stoppage of one increment with cumulative effect. Subsequently, he preferred an appeal against the said order, but the appeal was also dismissed by confirming the punishment imposed by the first respondent through order dated 26-11-1992. The petitioner being aggrieved by both the orders approached this Court seeking a Writ of Mandamus.

The learned counsel for the petitioner submitted that the stoppage of one increment with cumulative effect is a major punishment, but the respondents did not choose to conduct any enquiry and directly imposed the punishment on him, which is against the principles of natural justice and procedure prescribed under the regulations.

Sri P. Venkata Rama Sarma, representing Dr. P.B. Vijaya Kumar, learned counsel for the respondents, vehemently opposed the submissions made by the learned

counsel for the petitioner.

The petitioner is said to have retired from service. If the matter is directed to be once again considered, it is likely to take considerable time. In the light of the above circumstances, I am of view that the modification in the punishment would meet the ends of justice.

In the result, the writ petition is allowed in part and the punishment imposed on the petitioner for stoppage of one increment with cumulative effect is modified into one of stoppage of one increment without cumulative effect. No order as to costs.

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Dr.G. YETHIRAJULU, J

Date: 21st September, 2005

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